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**Office Action Summary**

Application No.

10/625,482

Applicant(s)

TODA, MINORU

Examiner

Thomas M. Dougherty

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 9-20, 27-60, 63-65 and 67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 61 is/are rejected.
- 7) ☒ Claim(s) 2-8, 21-26, 62, 66 and 68 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed on October 31, 2005 have been fully considered but they are not persuasive because there is some confusion in them. On page 17, the remarks note a recitation of the amended claim 1 which is different than the actual amendment of claim 1, which is on page 2 of that document.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Topa et al. (US 2002/0089262). Topa et al. show (fig. 2a) an ultrasonic transducer (100) comprising: a holder (12) having at least two spaced apart cylindrical surfaces (14); a cylindrical piezoelectric film (26) spanning between the at least two spaced apart cylindrical surfaces (14) of the holder (12); an outer electrode segment (not numbered but connected to AC voltage source) disposed on an outer surface of the film (26); and an inner electrode segment (not numbered, but also connected to the AC voltage source, shown in hatch).

Recitation of the radiation direction of the acoustic energy generated in response to an excitation voltage is regarded as a goal of the invention. As Topa et al. show the claimed structural features of the invention, they are regarded as inherently reading on this claimed aspect.

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Recitation of the holder restricting propagation of the radiating acoustic energy along a propagation path defined within an interior of the film is regarded as a goal of the invention. As Topa et al. show the claimed structural features of the invention, they are regarded as inherently reading on this claimed aspect.

Recitation that the width of the piezoelectric film is less than one-half the radiating wavelength of the transducer is a description which does not further reduce the structure of the claimed invention but is instead a method of driving the device, that being using a specific frequency such that the noted inequality is met.

***Allowable Subject Matter***

Claim 68 is allowed.

Claims 2-8, 21-26, 62 and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Direct inquiry to Examiner Dougherty at (571) 272-2022.

*tmd*  
tmd

January 12, 2006

*Thomas M. Dougherty*  
TOM DOUGHERTY  
PRIMARY EXAMINER

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/625,482	TODA, MINORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas M. Dougherty	2834	

All participants (applicant, applicant's representative, PTO personnel):

(1) Thomas M. Dougherty. (3) \_\_\_\_\_.

(2) representative of the office of Edward J. Howard. (4) \_\_\_\_\_.

Date of Interview: 10 March 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: n/a.

Identification of prior art discussed: n/a.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Howard's office representative noted that it was not clear whether or not the latest office action mailed on January 17, 2006 was a final rejection. The examiner indicated it was and indicated he would send out another office action to remove the confusion.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**TOM DOUGHERTY**  
**PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

*Thomas M. Dougherty*  
Examiner's signature, if required



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,482	07/22/2003	Minoru Toda	MSI-160	9127

7590 03/15/2006

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EXAMINER	
DOUGHERTY, THOMAS M	
ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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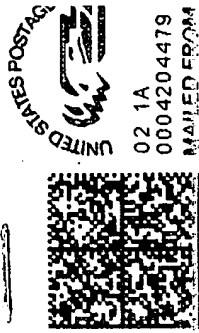
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